IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1929 OF 2007

Mohammed Ashraf Abdullah ..Applicant

V/s.

The State of Maharashtra ..Respondent

Mr.Ayaz Khan i/b. Rajendra Bidkar, advocate for the applicant
Mr.K.V.Saste, APP for the State

CORAM : V.C.DAGA, J.

DATE : 26TH JULY, 2007

P.C.

1. Heard learned counsel for the applicant. In both the cases the applicants are being charged U/s.489(A), 489(B) and 489(C) of the Indian Penal Code for possessing counterfeit Indian currency notes of Rs.500/- and 1000/-. The prosecution story is as under :-

One Mohd Aboobakar @ Sali arrived from Dubai on 17-09-2006 and had lodged himself in a hotel South India Guest House, 57, Masjid Street, Bhendi Bazar, Mumbai in Room No.102. The Directorate of

Revenue Intelligence (DRI) upon some specific intelligence visited the room and upon search conducted, counterfeit Indian currency having printed value of Rs.29 Lakh was recovered from his baggage. The said accused was taken in custody by DCB, CID from the DRI and was put under arrest on 20-09-2006 in C.R.No.121/2006 under section 120(B) of the Indian Penal Code r/w.489-A, 489-B, 489-C r/w.34 of the Indian Penal Code. Investigation was done and, ultimately, on 08-12-2006 charge sheet came to be filed against the accused Muneer Aboobakar and another by name Mohammed Ashraf Abdulla @ Farookh @ Mohammed Farookh Mohiddin. There were two others shown as wanted in the charge sheet by names 1) Abdul Rasheed Hassainar Puttur @ Puthu another 2) L.K.

2. On 17-11-2006 the wanted accused Abdul Rasheed Hassainar Puttur @ Puttu was arrested by Anti-Terrorism Squad in C.R.No.2/2005. The DCB CID took the custody of this Abdul Rasheed Puttur @ Puthu as per the letter of the Learned Additional Chief Metropolitan Magistrate, 37th Court,

Esplanade, Mumbai on 16-12-2006.

3. According to the prosecution, on the basis of the statement made by the co-accused Indian currency notes were seized from the present applicant. In that view of the matter, the present applicant, at the most can be charged under Section 489(C) of the Indian Penal Code. There is no prima facie material at this stage to charge him for the offence punishable under Sections 489(A) and 489(B) of I.P.C. So far as the offence under Section 489 (C) is concerned, same is bailable and cognizable.

4. So far as main accused Sayyed Sharfaran Sayyed is concerned, bail has already been granted to him in Bail Application No.53 of 2007 filed in Session Case No.153 of 2007 @ Session Case No.1040 of 2006 filed in Sessions Court itself. In the above view of the matter, I am inclined to grant bail to the present applicant,in the sum of Rs.50,000/- with one or two sureties to make up the amount of bail in C.R.No.223 of 2006 @ C.R.No.121 of 2006 on the following conditions.

(a) The applicant, arrested in connection with

C.R.No.223 of 2006 @ C.R.No.121 of 2006 registered with the J.J.Marg Police Station, Mumbai shall be enlarged on bail in the sum of Rs.50,000/- with one or two sureties to make up the said amount.

(b) The applicant shall report to J.J.Marg Police Station, Mumbai once in a week, i.e. on every Saturday between 3.00 to 5.00 p.m. till conclusion of the trial.

(c) The applicant shall not, directly or indirectly, make any inducement, threat or pressurise any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

(d) The applicant shall co-operate with the investigating agency for disposal of the case. It is needless to mention that breach of any of the conditions by the applicant shall result in cancellation of bail.

(e) Any observation made in this order shall not be construed as finding or expression on merits of the case at the time of trial.

5. The application is allowed in the above terms.

(V.C.DAGA, J.)